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DAC

MAIL STOP PETITION

Atty. Docket No. 1506-1049-1

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Edvard SMITH et al.

Confirmation No. 6424

Serial No. 09/874,270

Attn: Group Director

Filed June 6, 2001

Group 1634

METHOD OF INTRODUCING ORGANIC
MOLECULES INTO TARGET CELLS

**PETITION UNDER 37 CFR §1.181 TO WITHDRAW
THE HOLDING OF ABANDONMENT**

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Withdrawal of the holding of abandonment in the above-identified application pursuant to 37 CFR §1.181 is respectfully requested for the following reasons.

Recently, the undersigned attorney received from the United States Patent and Trademark Office (USPTO) a Notice of Abandonment dated May 6, 2003, for the above-identified application. The Notice indicated that the application had been abandoned in view of applicants' failure to timely file a proper reply to the Office letter mailed on 03 September 2002.

Section 503 of the Manual of Patent Examining Procedure (MPEP) clearly states that a postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

A careful review of the accompanying postcard receipt (Exhibit A), which contains all the necessary identifying data, including applicants' name, serial number and group art unit, will reveal that on October 1, 2002, applicants timely filed an amendment in response to the Official Action of September 3, 2002.

Since the postcard receipt bears the United States Patent and Trademark Office OIPE stamp of October 1, 2002, it is respectfully requested that the holding of abandonment be withdrawn, and that the application be forwarded to the Primary Examiner for consideration of applicants' timely filed response of October 1, 2002.

A copy of the complete response which was previously filed on October 1, 2002, but was apparently misplaced by the USPTO, accompanies this petition.

Respectfully submitted,

YOUNG & THOMPSON

By



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May 23, 2003



45102-79520-CIP

THE STAMP OF THE PATENT OFFICE MAIL HEREON ACKNOWLEDGES THE RECEIPT OF THE BELOW-IDENTIFIED DOCUMENT ON THE DATE INDICATED BY SUCH STAMP.

In re: Edvard SMITH et al.

S.N. 09/874,270 Group 1634

AMENDMENT in response to O.A. of September 3, 2002

RJP/lrs

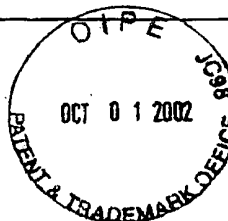


EXHIBIT A